

FILED

NOV 27 2006

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

CHERYL C. CAYCE,
Bar No. 012447

RESPONDENT.

No. 04-2103

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on October 14, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed July 24, 2006, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a 90-day suspension, one year of probation with the State Bar's Law Office Management Assistance Program (LOMAP) including a practice monitor, and the State Bar's Member Assistance Program (MAP), and costs.

Decision

The seven members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a 90-day suspension, one year of probation (MAP and LOMAP) including a practice monitor, and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ Commissioner Baran did not participate in these proceedings. One public member seat remains vacant.

² A copy of the Hearing Officer's Report is attached as Exhibit A.

Terms of Probation

1 1. Respondent shall be placed on probation for a period of one-year to
2 commence on the date of the final Judgment and Order and run concurrently with
3 Respondent's term of suspension.

4 2. Within 30-days of the date of the final Judgment and Order, Respondent
5 shall contact the Director of MAP and submit to a MAP assessment. Respondent
6 thereafter, will enter into a MAP contract based upon the recommendations of the MAP
7 director or designee and shall comply with the recommended terms.

8 3. Within 30-days of the date of the final Judgment and Order, Respondent
9 shall contact the Director of LOMAP and submit to a LOMAP audit. Respondent
10 thereafter will enter into a LOMAP contract based upon the recommendations of the
11 LOMAP director or designee, including a practice monitor approved by bar counsel, and
12 shall comply with the recommended terms.

13 4. Respondent shall complete six hours of continuing legal education in the
14 area of family law and/or guardianship during the period of probation and shall provide
15 proof of completion and a copy of her notes from the seminar to LOMAP.

16 5. Respondent shall pay the costs incurred in these disciplinary proceedings.

17 6. In the event that Respondent fails to comply with any of the foregoing
18 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
19 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The
20 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
21 determine whether the terms of probation have been violated and if an additional sanction
22 should be imposed. In the event there is an allegation that any of these terms have been
23
24
25
26

violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
clear and convincing evidence.

RESPECTFULLY SUBMITTED this 27th day of November, 2006.

Barbara A. Atwood

Barbara A. Atwood, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 27th day of November, 2006.

Copy of the foregoing mailed
this 27th day of November, 2006, to:

Dwight M. Whitely, Jr.
Hearing Officer 9I
Chandler & Udall, L.L.P
33 North Stone, Suite 2100
Tucson, AZ 85701

Brick P. Storts, III
Respondent's Counsel
Barton & Storts, P.C.
271 North Stone Avenue
Tucson, AZ 85701

Clarence E. Matherson, Jr.
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: Brenda Dominguez

/mps